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EXECUTION OF BONNEVILLE POWER
ADMINISTRATION/NORTHERN CALIFORNIA POWER
AGENCY ENABLING AGREEMENT (UMBRELLA
AGREEMENT) APPROVED

RESOLUTION NO. 92-136

CC-7(j) The City Council adopted Resolution No. 92-136 thereby
CC-300 authorizing the execution of the Bonneville Power
Administration/Northern California Power Agency Enabling
Agreement (Umbrella Agreement) on file in the office of the
City Clerk

The purpose of the Enabling Agreement (Umbrella Agreement)
is to duly recognize Bonneville as the Pacific Northwest
"Marketing and Transfer" agency for all transfers of power
out of the Northwest. Transfers of power and energy from
Canadian power agencies and Northwest agencies all require
formal agreement and acceptance by Bonneville. This
Enabling Agreement, authorized by Bonneville, allows
Northern California Power Agency to transfer power and
energy with the Northwest on behalf of its members for a
twenty-year period.

Approval of the Enabling Agreement pursuant to the subject
Resolution will ensure proper execution of the necessary
documents to assure timely participation in the power
exchange with the City of Seattle and any other services
economically available in the Northwest.

BIDS REJECTED AND READVERTISEMENT FOR
BIDS AUTHORIZED FOR PURCHASE OF A 1,500
GALLON PER MINUTE ENGINE FOR THE FIRE DEPARTMENT

RESOLUTION NO. 92-137

CC-12(b) The City Council adopted Resolution No. 92-137 rejecting
CC-300 all bids received on June 24, 1992 and authorized
readvertisement for new bids for the purchase of one 1,500
gallon per minute pumper for the Fire Department.

On May 20, 1992 the City Council authorized advertisement
for bids for a new fire apparatus. Four bids were
received; however, all bids exceeded the \$200,000 amount
budgeted for the purchase of this unit.

	<u>Lease/Purchase</u>	<u>Purchase</u>
Westates Truck Equipment, Woodland	\$226,876.10	\$202,532.29
River City Emergency Equip., Sacramento	\$234,033.80	\$207,928.41
Hi-Tech Emergency Vehicle, Oakdale	\$245,876.75	\$203,587.16
Golden State Fire Apparatus, Modesto	\$246,109.74	\$208,196.71

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To bring the cost of this equipment under budget limits, specifications have been modified slightly without compromising equipment performance.

\$40,000 was approved in the 91-92 budget to acquire bids for the lease/purchase of a new Fire Pumper with the stipulation that said funds would not be disbursed until the 92-93 budget year. A fire apparatus committee was formed from line and management personnel to assemble the specifications for this apparatus. The Fire Department has prepared a modified specification we believe will come in under the total authorized budget of \$200,000.00 and still be a quality Fire Apparatus that will meet our needs.

SPECIFICATIONS AND ADVERTISEMENT FOR BIDS
APPROVED FOR HALF-SIZE DUMP TRUCK,
STREET DIVISION APPROVED

CC-12.1(b) The City Council approved the specifications for a half-size dump truck and authorized advertising for bids to be received Wednesday, September 2, 1992.

Funds to purchase a half-size dump truck for the street division maintenance crews were approved in the 1992-93 Operations/Maintenance budget.

The unit will be used by the crews to haul street material and tow equipment on a daily basis.

SPECIFICATIONS AND ADVERTISEMENT FOR
BIDS APPROVED FOR CUSHMAN UTILITY VEHICLE
FOR PARKS AND RECREATION DEPARTMENT

CC-12.1(b) The City Council approved the specifications and authorized advertisement for bids for one Cushman Utility Vehicle for the Parks Department.

The City Council was advised that Cushman #17 was struck by a vehicle pulling out from a stop sign on November 5, 1991. The insurance company for the responsible party settled with the City in the amount of \$7,300.00. It is necessary to replace this cushman as we are currently paying overtime to repair or service cushmans that may need it. We are also short on the necessary number of vehicles for the Parks Division.

PURCHASE OF PHOTOCOPIERS FOR PARKS
AND RECREATION AND ELECTRIC UTILITY DEPARTMENT

RESOLUTION NO. 92-138

CC-12(d) The City Council adopted Resolution No. 92-138 authorizing
CC-300 the purchase of two photocopiers in the amount of \$9,410.24
from Xerox Corporation under terms of the purchase

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agreement between Xerox and Los Angeles County, which agreement is available to all city and county agencies within California.

Both copiers are included in the 1992/93 Equipment Budget. One unit, a higher-volume Xerox 5052, is planned for installation in the Parks and Recreation office for production of the large number of activity flyers, notices, and correspondence needed to effectively coordinate department programs. The second unit, a Xerox 5028, is planned for installation in the Electric Utility Department's Operation office at the Municipal Service Center.

Since the Los Angeles County contract was negotiated, rather than bid, Lodi City Code Section 3.20.040, which allows the City Council to authorize purchase through other public agency bid agreements, does not apply. However, the negotiated L. A. County contract provides pricing nearly 15% below established Xerox state and local government price levels, and nearly 30% below commercial list prices. Additionally, the City will obtain trade-in allowances on two worn-out Xerox copiers (one over 20 years old), and will benefit overall from the quality and reliability of Xerox equipment.

It was therefore recommended that the City Council authorize this purchase under City Code Section 3.20.070, which provides that bidding may be dispensed with when "...the City Council determines that the purchase or method of purchase would be in the best interests of the City."

PURCHASE OF USED VEHICLES FROM RENTAL
AGENCIES OR FLEET DEALERS

RESOLUTION NO. 92-139

CC-12(d) The City Council approved the purchase of used vehicles
CC-300 from rental agencies or fleet dealers.

Ordinance No. 1399, adopted June 17, 1987, amended Lodi Municipal Code, Section 3.20.070 relating to bidding. The amendment states that bidding can be dispensed with when the City Council determines that the purchase or method of purchase would be in the best interest of the City of Lodi. The primary reasons for purchasing vehicles under this program are:

1. Lower initial cost;
2. Shorter lead time for delivery;
3. Vehicles purchased have maintenance and repair records available for review;

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4. Higher resale value due to greater number of options available;
5. Twelve month/12,000 mile warranty written by the agency.

PURCHASE OF COMPUTER TERMINALS FOR POLICE DEPARTMENT

RESOLUTION NO. 92-140

CC-12(d) The City Council adopted Resolution No. 92-140 authorizing
CC-300 the purchase of 13 computer terminals from Memorex-Telex,
under State of California bid, for the amount of \$9,410.24.

On July 15, 1992, the City Council authorized the allocation of funds from the Asset Seizure Account to purchase computer equipment, as well as firearms, for the Police Department. This purchase represents the first part of the computer equipment acquisition program.

Planned for use in the Police Department's Detective Division, these thirteen Memorex-Telex model 1477-CX display stations are designed to be fully compatible with, and connect directly to, the Department's IBM AS/400 computer. Additionally, they are designed to function as a dual-session mode, meaning the user can be working in two separate data bases or programs concurrently.

Recently, the State of California bid to supply computer equipment to various state agencies was awarded to Memorex-Telex. In the ongoing effort to expand cooperative public purchasing, the bid pricing was made available to all cities and counties in California. The bid price of \$671.80 plus tax for these Model 1477-CX terminals represents a 53% savings off list price, and nearly a 35% savings off IBM's government price for a similar unit.

CERTIFICATION OF WHITE SLOUGH WATER
POLLUTION CONTROL FACILITY EXPANSION
SUPPLEMENTAL FINAL ENVIRONMENTAL IMPACT
REPORT, 12751 NORTH THORNTON ROAD

CC-51(f) The City Council determined the Supplemental Final Environmental Impact Report (SFEIR) for White Slough Water Pollution Control Facility Expansion prepared by EIP Associates is adequate and certified the document.

The purpose of this document is to revise and supplement the June 1988 Environmental Impact Report (EIR) for the White Slough Water Pollution Control Facility Plant Expansion. The preparation of this Supplemental EIR was required because new information became available since the certification of the original EIR. The new information regards the relationship between receiving water quality

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and the WSWPCF performance. Specifically, the project description of the original EIR assumed the expanded facility would be capable of producing domestic effluent having 10 milligrams/liter (mg/L) or less biochemical oxygen demand (BOD) and total suspended solids (TSS) more than 90 percent of the time.

The project considered in the original EIR involved the expansion of the WSWPCF from an average dry, weather flow capacity of 6.2 million gallons per day (MGD) to 8.5 MGD (an increase of 2.3 MGD, or a 37% increase in capacity), together with improvements to the wastewater irrigation and sludge handling systems. The proposed action under consideration in the Supplemental EIR is the same as considered in the original EIR with one exception: the June 1988 EIR assumed the expanded WSWPCF would routinely produce an effluent quality of 10 mg/L BOD & TSS. The supplemental EIR examined the environmental effects that would result from WSWPCF production of an effluent with 30 mg/L BOD & TSS from 16 October to 31 May, and 20 mg/L from 01 June through 15 October.

The proposed action would result in an increase in the mass emission of BOD & TSS into the receiving waters, as compared to the existing conditions; however the dissolved oxygen (DO) levels in the receiving waters are expected to be maintained above standards currently established by the Regional Water Quality Control Board. Water quality monitoring would be included, and no treated effluent would be discharged when DO levels fall below established standards. The City has begun preparing an additional 275 acres of recently purchased land to receive treated effluent to ensure adequate reuse/disposal capacity. As considered in the original EIR, the buildup of heavy metals in the soil would occur slowly as a result of the land reuse/disposal of effluent, but with the existing pretreatment program, effluent disposal could occur for about 200 years before the buildup reached levels where additional land disposal would be prohibited.

Summary of Environmental Effects - Proposed Actions

A summary of the environmental effects - proposed actions was presented for City Council's review.

Further, the City Council adopted the following findings in the matter.

Finding

1. The City of Lodi finds that the supplemental Final EIR has been completed in compliance with CEQA;

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2. The Supplemental Final EIR has been presented to the City Council and has been reviewed and considered prior to its approval; and
3. The City of Lodi will adopt the required mitigation measures to reduce all significant, or potentially significant environmental impacts to a less than significant level.

Mitigation measures include:

- a. Additional water quality monitoring of the receiving waters will be conducted to provide complete data as to when ambient conditions are such that DO levels should fall below 5.0 mg/l. When such conditions are present, WSWPCF effluent would be diverted to storage facilities or land application.
- b. Because disposal capacity is considered to be marginally adequate to accommodate extended periods of irrigation when discharge is prohibited, the City of Lodi shall prepare an additional 275 acres of land for effluent application.
- c. Continue with the City's existing pretreatment program of industrial wastewater discharge to remove heavy metals with an emphasis on zinc.

ACCEPTANCE OF IMPROVEMENTS UNDER WHITE
SLOUGH WATER POLLUTION CONTROL FACILITY
EXPANSION CONTRACT

CC-51(f) The City Council accepted the improvements under the "White
CC-90 Slough Water Pollution Control Facility Expansion"
contract, and directed the Public Works Director to file a
Notice of Completion with the County Recorder's office.

The contract was awarded to Alder Engineering and Construction Company of Salt Lake City, Utah, on January 17, 1990, in the amount of \$9,681,218.00. The contract has been completed in substantial conformance with the plans and specifications approved by the City Council.

The original contract completion date was October 3, 1991, however, this was extended to November 8, 1991 with the approval of Change Order #6. Change Order #9, included on this agenda, extends the completion date to December 10,

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1991. The approved extensions were due to required major repairs to the existing digester covers and modifications to the electrical and instrumentation facilities. The actual completion date was April 30, 1992.

The major reason the contract was not completed on time was due to both the electrical subcontractor and the instrumentation subcontractor going bankrupt. However, Alder Engineering did everything in their power to keep the workers of the subcontractors on our job during the bankruptcy procedures. This included paying cash for the subcontractors' material and paying their workers direct. There is a \$250 per day liquidated damage amount included in the contract. Change Order #9 includes a credit to the City of \$35,500 for liquidated damages.

The final contract price is \$10,140,096 (4.7% over original contract amount). However, of the total change order amount of \$459,623, \$314,209 was for HVAC system improvements and repairs to the two existing digester lids. At the time of the contract award it was known that HVAC system improvements and digester lid repairs would be additional costs. Therefore, unaccountable change orders only amounted to 1.5% of the original contract amount. For an expansion of an existing treatment plant facility, this is an extremely low change order amount. We feel strongly that this can be contributed to the thoroughness our plant personnel and the Electric Utility Department's electricians did in reviewing the contract drawings.

The increased cost is mainly due to the following major change order items: repairing existing floating covers on Digester #1 and Digester #2, replacing HVAC system in existing control building, additional asphalt paving, adding additional pipe and valving supports, providing additional instrumentation, modifying locker rooms (handicap requirements and additional tile work), improving drainage and curbing around existing parking area, upgrading concrete wall finishes, repairing deterioration of headworks influent distribution box, replacing deteriorated steel doors and window frames on headworks building, expanding capacity of PLC's (programmable logic controllers), replacing deteriorated insulated steel hot water lines to digester, and removing sludge from Sludge Lagoon #1.

This was Alder Engineering's first project in California. Public Works Director Ronsko stated that they performed quality work and the project was run in an organized and professional manner. The Public Works Department is very pleased with the construction that took place under this contract. Black & Veatch must also be commended for their work and especially for the contract administration/inspection performed by Mr. Miller.

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CONTRACT CHANGE ORDERS - WHITE SLOUGH
WATER POLLUTION CONTROL FACILITY CAPACITY
EXPANSION IMPROVEMENTS

CC-51(f)
CC-90

This information was presented to the City Council in accordance with the contract change order policy approved by Resolution 85-72. One of the requirements of this policy is that staff inform the City Council of all change orders in excess of an aggregate of \$25,000. Contract Change Orders #8 and #9, approved by the City Manager, have a net decrease to the contract of \$925. The total cost of all change orders for this project is \$458,878, or 4.74% of the contract.

Contract Change Order #8, in the amount of \$19,902, covers additional cementitious coating, air piping, minor modifications due to unforeseen pipe and electrical conditions, repair to Digesters #1 and #2 lids, and additional concrete for patio, steps and roadway. This change order also deleted an instrument panel for the air compressor package, an influent bubbler panel, digester gas piping swivel joints, an asphalt redwood header, and torque and shear pin limit switches.

Contract Change Order #9, the last change order for this project, is in the amount of (\$20,827). This change order added minor electrical, mechanical and piping revisions, ceiling support work and additional asphalt pavement work. It also deleted asphalt slurry seal and single-ply roofing and credit 142 days of liquidated damages (\$250 per day).

The original contract price for the expansion project was \$9,681,218. The contract price, including change orders, is \$10,140,096.

CONTRACT CHANGE ORDER - LODI LAKE
PICNIC FACILITIES

CC-90

This information was given to the City Council in accordance with the contract change order policy approved by Resolution 85-72. One of the requirements of this policy is that we inform the City Council of all change orders over the larger of \$5,000 or 10% of the contract amount.

This contract change order, approved by the City Manager, was in the amount of \$20,110 which is 20.6% of the contract. The major items of work in this change order are:

- 1) Installing lights in the Hughes Beach and South Point picnic structures;
- 2) Increasing the parking lot size in the Hughes Beach area; and

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- 3) Installing electrical conduit for future lighting in the youth group area.

The City has a State grant of \$140,000 to help pay for the design and construction of the picnic facilities at Lodi Lake. \$20,000 was also appropriated from the General Fund to meet the original project estimate of \$160,000. Two conditions of the grant were that the City use its \$20,000 first and any money remaining in the account at the completion of the project must be returned to the State.

Richard Bigler and Associates, the architect for this project, revised his construction estimate to \$190,000 just prior to putting the plans and specifications out to bid. Bid items were deleted to keep the project within budget and H. Max Lee, Inc. was the low bidder at \$97,500.

The additional work shown in the change order will reduce the amount of money that must be returned. The project officer from the State Parks and Recreation Department has reviewed and approved the changes in the scope of work.

CONTRACT AWARD FOR WELL #11-R ENCLOSURES,
824 EAST TURNER ROAD, LODI

RESOLUTION NO. 92-141

CC-12(a)
CC-300

The City Council adopted Resolution No. 92-141 awarding the contract for Well #11-R Enclosure, 824 East Turner Road, Lodi, California project to H. Max Lee, Inc. in the amount of \$66,994.00 (base bid only).

This project consists of furnishing and installing concrete footings, curb, gutter and sidewalk, concrete masonry unit walls, steel door and gates and other incidental and related work all as shown on the plans and specifications for the above named project.

After the bid opening, Diede Construction notified the City that a clerical error had been made on their bid proposal and that they wished to have their bid withdrawn.

Bids were also received for two additional items of work. The first item of work was for furnishing and installing a landscaping wall and a retaining wall outside the well enclosure. The second additional item of work was for an exposed aggregate walkway to the well site.

Staff is reviewing ways to reduce the cost of the landscaping and retaining walls and a change order may be issued for this work. The exposed aggregate walkway will not be included as part of this project. People needing to use the door in the enclosure can use the driveway as an approach.

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It was recommended that H. Max Lee, Inc. be awarded the Well #11-R Enclosure contract for the base bid only (\$66,994.00).

Plans and specifications for this project were approved on July 15, 1992. The City received the following four bids for this project:

<u>Bidder</u>	<u>Location</u>	<u>Bid</u>
Engineer's Estimate		\$77,477.00
H. Max Lee, Inc.	Lodi	66,994.00
A. M. Stephens Construction	Rio Vista	74,375.00
Claude C. Wood Company	Lodi	78,859.25
*Diede Construction	Woodbridge	58,639.05

*bid withdrawn

CONTRACT AWARD FOR ALMOND DRIVE CURB,
GUTTER AND SIDEWALK, 1100' E/SONGBIRD
PLACE TO 1300' E/SONGBIRD PLACE

RESOLUTION NO. 92-142

CC-12(a) The City Council adopted Resolution No. 92-142 awarding the
CC-300 contract for Almond Drive Curb, Gutter and Sidewalk, 1100' E/Songbird Place to 1300' E/Songbird Place to Claude C. Wood Company in the amount of \$28,808.25 and appropriated \$16,000.00 from the Gas Tax Fund to complete the project.

This project consists of installing approximately 175 linear feet of curb, gutter and sidewalk and installing approximately 2,000 square feet of asphalt concrete paving and other incidental and related work, all as shown on the plans and specifications for the above project.

It was also recommended that \$16,000.00 be appropriated from the Gas Tax Fund to complete the project.

Plans and specifications for this project were approved on July 1, 1992. The City received the following three bids for this project:

<u>Bidder</u>	<u>Location</u>	<u>Bid</u>
Engineer's Estimate		\$33,156.00
Claude C. Wood Company	Lodi	28,808.25
A. M. Stephens Construction	Rio Vista	34,950.00
Diede Construction	Woodbridge	39,425.39

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CONTRACT AWARD FOR POPLAR STREET WASTEWATER
PIPE IMPROVEMENT, CHEROKEE LANE TO
CENTRAL AVENUE

RESOLUTION NO. 92-143

CC-12(a) The City Council adopted Resolution No. 92-143 awarding the
CC-300 contract for Poplar Street Wastewater Pipe Improvements,
Cherokee Lane to Central Avenue Project to Jardin Pipeline,
Inc. in the amount of \$111,900.00.

This project consists of jacking and trenching approximately 1,800 linear feet of 10-inch diameter wastewater pipe, constructing 8 wastewater manholes, abandoning existing 8-inch diameter wastewater pipes and manholes, and other incidental and related work, all as shown on the plans and specifications for the above project.

Plans and specifications for this project were approved on July 15, 1992. The City received the following 11 bids for this project:

<u>Bidder</u>	<u>Location</u>	<u>Bid</u>
Engineer's Estimate		\$135,960.00
Jardin Pipeline, Inc.	Hayward	111,900.00
Clyde Wheeler Pipeline, Inc.	Oakdale	113,900.00
Claude C. Wood Co.	Lodi	118,266.25
Crutchfield Construction	Stockton	129,992.50
Phillips Backhoe	Lodi	142,778.75
Sacramento Excavator, Inc.	Fair Oaks	163,905.00
V & M Construction	Antioch	164,164.00
Jerry Gavrilko Co.	Folsom	164,278.00
Teichert Construction	Stockton	164,830.00
W. M. Lyles Co.	Acampo	169,785.00
Daniel Ontiveros Construction	Yuba City	189,925.00

TRAFFIC RESOLUTION AMENDMENT - PARKING
RESTRICTION EXTENSION ON THE 300 BLOCK
OF MAPLE STREET

RESOLUTION NO. 92-144

CC-48(a) The City Council adopted Resolution No. 92-144 amending the
CC-300 Traffic Resolution #87-163 to extend the parking
restriction on the 300 block of Maple Street.

The Public Works Department received petition requesting the existing parking restriction in the vicinity of PCP Cannery be extended to the 300 block of Maple Street. The area was surveyed and staff observed many parked vehicles on this block as well as some on Central Avenue near Maple Street and portions of the 400 block of Maple Street. This

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area is closer to the employee entrance than the PCP parking lot which was heavily used.

Staff recommends the following restrictions be extended to the 300 block of Maple Street:

"No Parking" for one hour from
8:00 a.m. to 9:00 a.m.
3:00 p.m. to 4:00 p.m.
3:00 a.m. to 4:00 a.m.
Except with resident permit

The current fee of the residential permit in other areas is \$3 for three years. The fee helps defray the cost of signing, enforcing and record keeping. If City Council approves this parking restriction, the Finance Department will send notices to the residents explaining the process of applying for a permit. For those residents who do not wish to purchase a permit for their vehicle, they can still park on the street except during the three one-hour periods.

Staff feels the parking problem may extend to adjacent streets if the parking restriction is implemented. Staff notified adjacent residents of this meeting. If City Council wishes to extend the parking restrictions to some of these adjacent streets, Public Works staff has no objections.

RECLASSIFICATION OF ELECTRIC DATA
TECHNICIAN/RELIEF OPERATOR TO UTILITY
SERVICE OPERATOR - RELIEF

RESOLUTION NO. 92-145

CC-34 The City Council adopted Resolution No. 92-145 approving
CC-300 the reclassification of Electric Data Technician/Relief
 Operator to Utility Service Operator-Relief.

The City Council was advised that since the Spring of 1991, the Electric Utility Department has been reorganizing to increase its efficiency. The reorganization has created the need for reclassification of the Electric Data Technician/Relief Operator class.

This position will be filled by an incumbent operator and will not require additional funding. The salary range for this position will be the same as the Electric Data Technician/Relief Operator position.

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PUBLIC HEARING SET TO INCLUDE ADDITIONAL
PARCELS IN THE CITY'S WEED ABATEMENT
PROGRAM FOR 1992

RESOLUTION NO. 92-149

CC-24 (b) The City Council adopted Resolution No. 92-149 including two additional parcels in the City's 1992 Weed Abatement Program and setting the matter for public hearing on September 16, 1992.

The City Council was reminded that several months ago the City Council initiated weed abatement proceedings involving various parcels within the City of Lodi. At a public hearing held May 20, 1992, the City Council ordered proceeding with the abatement program on the various parcels set forth in Resolution No. 92-99.

We have now been advised by the Fire Department that two additional parcels as listed below, need to be included in the 1992 Weed Abatement Program for the City of Lodi.

Viola O. Fahrner
424 S. School Street
(APN 045-201-0018)

Maribel Munoz
706 South Garfield
(APN 047-323-0003)

It was therefore recommended that the City Council adopt a resolution including these two parcels in the City of Lodi 1992 Weed Abatement Program and set the matter for public hearing on September 16, 1992.

SET PUBLIC HEARING TO CONSIDER AN
APPEAL TO THE LODI CITY COUNCIL UNDER LODI
MUNICIPAL CODE SECTION 5.32.120 BY FRANCES ELKINS,
OWNER OF LAKEWOOD HEALTH SPA, OF THE ORDER
OF THE CHIEF OF POLICE REVOKING HER MASSAGE
BUSINESS LICENSE UNDER LODI MUNICIPAL
CODE SECTION 5.32.110.

CC-6
CC-156 Following receipt of a letter from the law offices of Adams, Horstmann, and Edwards asking that the license revocation of Lakewood Health Spa (Frances Elkins) be set for hearing before the City Council, the City Council set September 16, 1992 as the hearing date for the subject matter.

This date is preferred by the appellant, who has agreed to waive time limits for a prompt hearing, pursuant to the letter of her attorney, Roy Edwards.

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PUBLIC HEARING SET REGARDING GRAFFITI
ABATEMENT PROGRAM

CC-6 The City Council set a public hearing on September 16, 1992
CC-13 regarding Graffiti Abatement to allow the public the
CC-55 opportunity to speak on the proposal and also to hear
 recommendation from staff.

This project will fund an ongoing effort to remove graffiti from primarily residential properties in the City's east side. This activity will principally benefit low/moderate income individuals and contribute to the elimination of a slum or blighted condition.

Reallocation from two 1990-91 CDBG accounts, Public Safety Program (45.5-503.04) \$19,407.24, and Code Enforcement (45.5-301.03) \$14,000 will provide the necessary funding.

PUBLIC HEARING SET TO CONSIDER
REQUEST OF STOCKTON INTERTRANS CORPORATION
TO OPERATE A TAXI SERVICE WITHIN THE CITY
OF LODI

CC-22(a) The City Council directed the City Clerk to publish a legal advertisement advising of a public hearing that has been set by the City Clerk for September 16, 1992 to consider the application of Stockton Intertrans Corporation, dba Yellow Cab, to operate a taxicab service with the City of Lodi.

The City of Lodi is in receipt of an application to operate a taxicab service in the City of Lodi which has been received from Stockton Intertrans Corporation, dba Yellow Cab, 206 North Sutter Street, Stockton.

Section 5.24.220 of the Lodi Municipal Code sets forth that:

"...upon the receipt of an application referred to in Section 5.24.210, the city clerk shall set a time, not less than ten nor more than thirty days thereafter, for the hearing of the application before the city council, and shall give notice of the time so set, at least five days before the date of the hearing, to the applicant and to any other permit holder under this chapter at the address set out in such application and by publication, if directed, by the council."

Pursuant to this Section of the Lodi Municipal Code, City Clerk Reimche set this public hearing for September 16, 1992.

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RESOLUTION ADOPTED DELETING REFERENCE
TO THE NUMBER OF CONSECUTIVE TERMS MEMBERS
OF THE LODI ARTS COMMISSION MAY SERVE

RESOLUTION NO. 92-146

CC-2 (k) The City Council adopted Resolution No. 92-146 repealing
CC-300 and reenacting Resolution No. 89-121 relating to the Lodi
 Arts Commission, thereby deleting reference to the number
 of consecutive terms members may serve.

In 1989, the Council adopted Resolution No. 89-121, a
portion of which placed a two-term limitation on members of
the Lodi Arts Commission. It has now been requested that
the term limitations be removed.

This would be consistent with all other Boards and
Commissions of the City which are not subject to term
limitation provisions.

CITY OF LODI DIAL-A-RIDE TRANSIT SYSTEM
PERFORMANCE AUDIT FOR THREE YEARS ENDED
JUNE 30, 1991 RECEIVED

CC-50 (b) The City Council accepted the City of Lodi Dial-A-Ride
CC-22 (a) Transit System Performance Audit for the Three Years Ended
 June 30, 1991.

The City Council was informed that the Public Utilities
Code requires a tri-annual audit of the City of Lodi's
transit system. The audit was conducted by the Certified
Public Accounting firm of Bartig, Basler & Ray which was
selected by the San Joaquin County Council of Governments
(COG).

The Audit Report makes the following recommendations:

1. GOALS AND OBJECTIVES

Goals and objectives with respect to
short-range and long-range transit planning
need to be expanded upon. Furthermore, a
system of evaluating the achievement of
those goals should be installed.

C O M M E N T

This audit was not coordinated with the
transit needs assessment. That report sets
forth a set of goals and objectives. Needs
assessment will set a good framework for
meeting this recommendation.

2. MARKETING AND PUBLIC INFORMATION

The City should embark upon a more aggressive marketing campaign to encourage ridership. This campaign should be the result of surveys designed to determine service satisfaction.

C O M M E N T

The City of Lodi has been reluctant to publicize Dial-A-Ride to a greater degree than has been done because of concerns of not being able to meet the demand. Dial-A-Ride is generally known to the entire community. If we expand our transit system to include a fixed route system we will most certainly include a full-blown marketing campaign.

3. REPORTING OF COMPLAINTS

The City should maintain a log of complaints to undercover trends that management can utilize for future planning.

C O M M E N T

Each complaint is reviewed and those needing action are passed on to the contractor. We do not keep a formal log, but have now established one.

4. EMPLOYEE HOUR EQUIVALENTS

The City should maintain a record of hours spent on the transit system by City personnel and should require the contractor to report the same.

C O M M E N T

We are now collecting the maintenance hours spent on maintenance and including that in our monthly summaries. City Cab Company also is being requested to provide this information.

5. URBAN MASS TRANSPORTATION ADMINISTRATION (UMTA) OPERATING ASSISTANCE

The City should make full use of UMTA operating and capital assistance grants

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before claiming State Transit Assistance funds. This is especially true now that the City is eligible for UMTA Section 9 Urban Grant funds.

C O M M E N T S

Staff is exploring the requirements and ramifications of obtaining these funds.

A copy of the Audit Report is on file in the office of the City Clerk.

LODI TRANSIT NEEDS ASSESSMENT AND
SYSTEM PLAN RECEIVED

CC-50(b) The City Council received the City of Lodi Transit Needs
CC-22(a) Assessment and System Plan.

For the past number of years the City of Lodi has heard at its Unmet Transit Needs hearings the statement, "The City needs a fixed route bus system." After the 1991-92 hearing the City of Lodi, in conjunction with San Joaquin County Council of Governments (COG), hired the transportation planning firm of Arthur Bauer & Associates, Inc. to evaluate the long-term transit needs in the City of Lodi.

The bottom line of the study is a recommendation that the City develop fixed route service as an adjunct to the present demand response service.

The report gives a set of short and long-term steps to fully implement their recommendations. The final chapter of the report outlines a financial and capital plan utilizing Urban Mass Transportation Administration (UMTA) funds as well as Transportation Development Act (TDA) funds.

It is suggested this plan be presented to the City Council at a "Shirtsleeve Session." Before that date, copies should be forwarded to the Ad Hoc Transportation Committee and to the Chamber of Commerce Government and Transportation Review Committee so those organizations can provide input and comment as the Council considers these recommendations.

A copy of the report is on file in the office of the City Clerk.

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SITE LOCATION AND PLANS AND SPECIFICATIONS
AND ADVERTISEMENT FOR BIDS FOR WELL 3-R
DRILLING, 144 SOUTH ROSE STREET (SOUTHEAST
CORNER OF HUTCHINS STREET SQUARE) AND
CERTIFY THE FILING OF A NEGATIVE DECLARATION
BY THE COMMUNITY DEVELOPMENT DIRECTOR AS
ADEQUATE ENVIRONMENTAL DOCUMENTATION

CC-12.1(c) The City Council reviewed and approved the location of Well 3-R at Hutchins Street Square and approved the plans and specifications and advertisement for bids and certified the filing of a negative declaration by the Community Development Director as adequate environmental documentation on the project.

The City Council was advised that a test well has been drilled at Hutchins Street Square and the results show that there is sufficient water of acceptable quality to drill a production well on Rose Street approximately 180 feet north of Walnut Street. The site location and layout has been reviewed by the Hutchins Street Square Board and their concerns about the timing of the project and the extent of the site improvements have been addressed.

COMMENTS BY CITY
COUNCIL MEMBERS

The following comments were received under the "Comments by City Council Members" segment of the agenda:

RAIL SERVICE IN THIS AREA

CC-6 Following introduction of the subject by Mayor Pro Tempore
CC-7(h) Pennino, the City Manager was directed to write letters
CC-50(b) regarding rail service in the area.

REQUEST FOR COPIES OF OFFICIAL MINUTES OF
ALL CITY BOARDS AND COMMISSION TO BE PLACED
AT THE LODI PUBLIC LIBRARY

CC-6 Council Member Snider asked that copies of official minutes
CC-16 for all City Boards and Commissions be forwarded to the
 Lodi Public Library to allow public review of the documents.

UPDATE ON "LATE NIGHT BASKETBALL PROGRAM"

CC-40 Following an inquiry from Council Member Sieglock, the City
 Council was advised that the "Late Night Basketball
 Program" will commence about November 1, 1992.

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MEETING SCHEDULED REGARDING IMPROVEMENT
AND UPGRADING OF CHEROKEE LANE

CC-13 Mayor Pinkerton announced that a meeting is being scheduled for Friday, August 28, 1992 at 12:00 p.m. at Porfi's Restaurant regarding the improvement and upgrading of Cherokee Lane.

COMMENTS BY THE
PUBLIC ON NON
AGENDA ITEMS

The following comments were received under the "Comments by the public on non-agenda items" segment of the agenda:

COMPLAINTS REGARDING 303 EAST ELM
STREET, LODI

CC-16 Virginia Lahr, 311 East Elm Street, Lodi addressed the City Council regarding complaints involving property at 303 East Elm Street, Lodi, asking that the matter be placed on a future agenda. The City Manager was directed to attempt to resolve these problems at the earliest possible time.

PUBLIC HEARINGS

Notice thereof having been published according to law, an affidavit of which publication is on file in the office of the City Clerk, Mayor Pinkerton called for the Public Hearings to consider the zoning/rezoning of the Towne Ranch project (APN's 029-030-01 and 029-030-42) R-2 as recommended by the Planning Commission and the continued appeal of Edie Houston, 611 Glen Oak Drive, Lodi regarding the Planning Commission's approval of the tentative map of the Towne Ranch Development located at the southwest corner of Turner Road and Lower Sacramento Road.

ZONING/REZONING OF THE TOWNE RANCH PROJECT
(APN'S 029-030-01 AND 029-030-42) R-2 AS
RECOMMENDED BY THE PLANNING COMMISSION
AND THE CONTINUED APPEAL OF EDIE HOUSTON,
611 GLEN OAK DRIVE, LODI REGARDING THE
PLANNING COMMISSION'S APPROVAL OF THE
TENTATIVE MAP OF THE TOWNE RANCH DEVELOPMENT
LOCATED AT THE SOUTHWEST CORNER OF TURNER
ROAD AND LOWER SACRAMENTO ROAD

ORDINANCE NO. 1556 INTRODUCED

CC-53(a)
CC-149 The City Council conducted a Public Hearing to consider zoning/rezoning the Towne Ranch project at 150 East Turner Road (APN 029-030-01) and 398 East Turner Road (APN 029-030-42) R-2, Single-Family Residential in conformance with the Planning Commission's recommendation of October 7, 1992 and to consider the appeal of Edie Houston, 611 Glen Oak Drive, Lodi regarding the Planning Commission's approval of the tentative map of the Towne Ranch

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Development located at the southwest corner of Turner Road and Lower Sacramento Road.

Community Development Director Schroeder advised the City Council that Ordinance 1529 adopted by the City Council on November 20, 1991 rezoned the Towne Ranch project to R-1, Single-Family Residential and R-2, Single-Family Residential. However, the Ordinance had no legal descriptions depicting which areas of the project were to be designated R-1 or R-2. Without these legal descriptions the Ordinance was flawed and therefore unusable.

The staff recommended that the City Council accept the Planning Commission's recommendation and zone/rezone the Towne Ranch project to R-2, Single-Family Residential.

Further, Community Development Director Schroeder advised the City Council that Edie Houston is appealing the Planning Commission's approval of the Tentative Parcel Map of Towne Ranch, Unit No. 1 because she believes that all lots abutting the Park West Subdivision should have a minimum of 6500 square feet which is the minimum lot size in Lodi's R-1, Single-Family Residential District. She backs her argument by referring to Ordinance 1529 which states:

"The parcels at 150 East Turner Road (APN 029-030-01) and 398 East Turner Road (APN 029-030-42) (proposed Towne Ranch development) are hereby rezoned R-1, Single-Family Residential and R-2, Single-Family Residential."

The text does not designate what lots or areas are to be zoned either R-1 or R-2.

The staff report for the November 6, 1991 Council meeting also states R-1 and R-2, again without any lot or area designation.

However, the Planning Commission's recommendation indicates R-2 zoning for the entire site. In fact, the Planning Commission's approval of the Tentative Subdivision Map was made with the conclusion that the entire area was zoned R-2.

At the Planning Commission hearing on the rezoning, Terry Piazza indicated that his clients wanted R-2 zoning throughout Towne Ranch and were dropping any request for R-1 designation.

Ms. Houston feels the area adjacent to Park West should be R-1 to conform to that subdivision and there should be no duplexes on corner lots as permitted by R-2 zoning.

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The staff suggested that the City Council accept the appeal of Ms. Houston and approve the appealed Tentative Subdivision Map with the conditions required by the Planning Commission plus the following requirements:

1. that the lots abutting Park West Subdivision in Towne Ranch, Unit No. 1 and subsequent units contain a minimum of 6500 square feet which is the lot size requirement in the R-1, Single-Family District;
2. that no duplexes be permitted on corner lots; and
3. that the Ordinance zoning/rezoning the Towne Ranch project becomes law.

Discussion followed with questions being directed to staff.

The following persons addressed the City Council speaking on behalf of the appeal.

- 1) Mrs. Mike Djordjevich, 2528 Cottonwood Drive, Lodi;
- 2) Mr. Michael Kaminski, 317 Evergreen Drive, Lodi; and
- 3) Mr. Don DeWitt, Parkwest Subdivision.

Those speaking in support of the project were:

- 1) Mr. Terry Piazza, Baumbach and Piazza, Inc., 323 West Elm Street, Lodi; and
- 2) Mr. Dennis Bennett, 777 South Ham Lane, Suite L, Lodi.

Mr. Bennett indicated that he agreed with the staff recommendations as set forth above.

There being no other persons wishing to speak on the matter, the public portions of the hearings were closed.

On motion of Council Member Hinchman, Pennino second, the City Council by unanimous vote introduced Ordinance No. 1556 entitled, "An Ordinance of the Lodi City Council Repealing Ordinance No. 1529 in its Entirety and Amending the Official District Map of the City of Lodi and Thereby Zoning/Rezoning the Parcels located at 150 East Turner Road (APN 029-030-01) and 398 East Turner Road (APN 029-030-42) (Proposed Towne Ranch Development) R-2 Single-Family

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Residential, with a Condition Relating to School Facilities Funding".

On motion of Council Member Sieglock, Pennino second, the City Council granted the appeal of Mrs. Houston and approved the appealed Tentative Subdivision Map with the conditions required by the Planning Commission plus the following requirements:

- a) that the lots abutting Park West Subdivision in Towne Ranch, Unit No. 1 and subsequent units contain a minimum of 6,500 square feet which is the lot size requirement in the R-1, Single-Family District;
- b) that no duplexes be permitted on corner lots;
- c) that the same conditions be placed by the Planning Commission on future phases in Towne Ranch;
- d) that all the conditions of the Planning Commission remain in place; and
- e) that the map approval is contingent upon the Ordinance No. 1556 zoning/rezoning Towne Ranch becoming law.

RECESS

Mayor Pinkerton declared a ten-minute recess and the City Council reconvened at 9:20 p.m.

APPEAL OF G. T. AUTO SALES, 821-B SOUTH
CHEROKEE LANE, LODI REGARDING PUBLIC
RIGHT-OF-WAY ENCROACHMENT VIOLATION AT
821 SOUTH CHEROKEE LANE, LODI -
LANDSCAPING WITHIN THE PUBLIC RIGHT-OF-WAY
(BETWEEN THE CURB AND SIDEWALK AREA)

CC-6
CC-16
CC-53(b)
CC-300

Notice thereof having been published according to law, an affidavit of which publication is on file in the City Clerk's Office, the Mayor called for the public hearing to consider the appeal of G. T. Auto Sales, 821-B South Cherokee Lane, Lodi regarding public right-of-way encroachment violation at 821 South Cherokee Lane, Lodi - landscaping within the public right-of-way (between the curb and sidewalk area) - violation of Section 1204 of the Lodi Municipal Code.

The City Council was advised that an appeal letter had been received from GT Auto Sales asking that the Council permit them to keep the recently planted landscaping or provide a low-cost solution.

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Lodi Municipal Code Section 12.04.370A prohibits the planting of anything other than lawn or sod and also prohibits the placement of earth, gravel, or any other material within the right-of-way without an encroachment permit. The most common type of encroachment violation takes place in the "parkway", that area between the curb and sidewalk. Our department acts on approximately three to five of these types of encroachment violations per year. These violations range from planting rose bushes, unauthorized trees and other shrubs to placement of cobbles, gravel, lava rock, redwood surfacing, fencing, etc.

Parkway areas are all within the public right-of-way and per Lodi Municipal Code should be accessible and usable by the public. Section 12.04.370B reads in part:

"No encroachment of any nature will be permitted or maintained which impedes, obstructs or denies such pedestrian or other lawful travel within the limits of the right-of-way of a public street, . . ."

Where cars park adjacent to the parkway, passengers will be stepping out and using the parkway for access to the sidewalk. The City, therefore, has a responsibility to ensure that whatever is placed in the parkway area does not create a liability. Our policy has been to allow parkways to be improved only by the planting of lawn or sod, which does not require a permit. All trees which are planted must be approved and planted by the City. In keeping with the requirements of Lodi Municipal Code Section 12.04.370B, our department has not issued permits for other types of parkway landscaping. The parkway is within the public right-of-way, however, it is the property owner's responsibility to maintain, including watering. The City is responsible for tree maintenance, i.e., trimming, cutting, spraying, removal, etc.

With respect to Cherokee Lane, a Cherokee Lane landscape master plan was presented to the City Council in January 1967. A copy of this plan is on file at City Hall. Since that date, as vacant parcels have developed or parcels have redeveloped, the City has required that the improvements be installed conforming to this plan. The exception to this has been for street lights, center traffic median and the Council has waived tree planting fronting certain car dealerships. All street improvements, i.e., curb, gutter and sidewalk, and landscaping are the responsibility of the property owner or developer.

Page 13 of the master plan does not show a parkway in front of the subject property at 821 South Cherokee Lane, but shows concrete sidewalk adjacent to the curb with

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individual tree wells and a planting of crepe myrtle trees. There is no sidewalk fronting the subject parcel, however, there is an asphalt walkway. Requiring conformance with the plan is only required if major improvements are made on site. If the Oberles or their licensed landscape contractor had come in for an encroachment permit, we would not have required them to install sidewalk and tree wells per the plan, but they would have been informed that lawn could be planted without a permit and that a permit would not be issued for their proposed landscaping. We feel it was the responsibility of the Oberles' licensed contractor to ensure that the required permits were obtained. Since the work was done without a permit, it would seem that the licensed contractor has a responsibility to make it right. The landscaped area in question is approximately 630 square feet and has no sprinkler system. In checking with a local landscaping firm, an automatic sprinkler system and sod could be installed for approximately \$700 assuming water is available nearby.

The landscaping on the subject property is shown on an Exhibit presented to the City Council. The following areas are of concern:

1. The tree planted does not conform to the landscape plan and is planted too close to the power pole.
2. As people exit their car during the winter, they will be stepping through a muddy planter to get to the asphalt walkway.
3. As previously pointed out by the City Attorney, the vertical sign, rocks and other obstructions in the parkway can be a liability.

It is felt that the City's existing policy of allowing only lawn or sod in parkway areas is appropriate and is in keeping with the overall beautification of Lodi. If we allow each individual parcel to develop to its own taste, there will be no uniformity and no way to enforce what is placed in the public right-of-way. If variations are to be considered, some guidelines need to be developed. This may be an appropriate task for the Site Plan and Architectural Review Committee (SPARC).

Staff recommended that the Oberles' appeal be denied.

Speaking on behalf of the appeal was Audrey Oberle, 821-B South Cherokee Lane, Lodi.

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There being no other persons wishing to address the City Council regarding the matter, the public portion of the hearing was closed.

On motion of Council Member Snider, Hinchman second, the City Council granted the appeal and determined that the subject landscaping could remain until there is a uniform plan adopted for the area.

The motion carried by the following vote:

Ayes: Council Members - Hinchman, Sieglock, Snider and Pinkerton (Mayor)

Noes: Council Members - Pennino

Absent: Council Members - None

PUBLIC HEARING TO RECEIVE PUBLIC COMMENTS
ON THE FINAL DRAFT OF THE REGIONAL
HOUSEHOLD HAZARDOUS WASTE ELEMENT (HHWE)

RESOLUTION NO. 92-147

CC-24 (d)
CC-300

Notice thereof having been published according to law, an affidavit of which publication is on file in the City Clerk's Office, Mayor Pinkerton called for the continued public hearing to receive public comments on the Final Draft of the Regional Household Hazardous Waste Element (HHWE).

The City Council was reminded that at the last City Council meeting, it asked its representative to the County Integrated Waste Management Local Task Force, Council Member Sieglock, to discuss various points with the Task Force which were raised during the meeting. He has done this and was prepared to discuss his findings. The Lodi Solid Waste Management Task Force met August 17, to discuss the Household Hazardous Waste Element. Minutes of this meeting were provided to Council. A representative from California Waste Removal Systems provided their perspective.

We must emphasize the need to be a part of the county-wide plan. The costs, risks and potential liabilities associated with "going it alone" are too great. A number of years ago the City Council wisely recognized the liabilities of operating a sanitary landfill and relinquished that burden to the County. Whether or not the County is operating that landfill more economically than the City is not the central question. They have a large enough operation to hire specialists to assure all the state and federal mandates are being followed and they are responsible. Think for a moment the problems associated with closing the old landfill and purchasing and opening a

new one. Just recently we saw the pitfalls of responsibility with the DBCP transformers. By joining a county service area the responsibility is passed on to the County.

We have contacted Dave Vaccarezza, owner of California Waste, to determine if it is feasible for him to become involved in handling the City's Household Hazardous Waste Program. He responded that it is not feasible for the City nor California Waste to do this.

California Waste's transfer station is not licensed to handle hazardous waste of any kind. As a matter of fact, in the not too distant past Mr. Vaccarezza petitioned the City to amend his franchise to exclude hazardous and biological waste. To be licensed for handling hazardous waste would require four additional state agencies to be involved. Mr. Vaccarezza estimates his liability and workers' compensation insurance alone would increase by at least \$72,000 per year. His letter to the Lodi City Council of August 11, 1992 supporting a county-wide plan was presented to the City Council.

No one will deny that the cost of operating a daily collection event is very high. However, it should be kept in mind that Lodi's share of the financing required to implement the proposed Regional Element, is not exclusively for daily collection events. Lodi will also be involved in a regional public education program (eg. television and radio advertisements, etc.) aimed at encouraging citizens to generate less household hazardous waste. The Household Hazardous Waste Element also includes a regional Permanent/Mobile Collection Facility which will enhance the cost effectiveness of the daily collection events and will provide residents with an alternative if they can not wait for a daily collection event. This facility is not a disposal or treatment facility; it acts more like a transfer station. The proposed \$4.00 annual fee will cover the cost of operating all of these programs.

There are a number of means of funding the county service area. The two most viable are an addition to the refuse bill or an addition to the property tax. There are pros and cons of each.

A. ADD TO REFUSE BILL

This technique has the advantage of the householder paying directly for the cost of the service. In most cases the single-family home will generate the most household hazardous waste. Homeowners, rather than tenants, tend to be those with paint, insecticides, etc. The monthly

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revenue would have to net \$.333 per month. The actual charge would have to be greater than \$.333 per month to cover vacancies and non-payment.

There are a number of disadvantages of this technique. The City becomes involved in the collection process and would ultimately be responsible for paying the cost. This fee is a monthly irritant or reminder of this fee and the City would be the one receiving the complaints. Lastly, if this fee is in the form of a surcharge on the refuse bill it is not tax deductible.

B.

ADD TO TAX BILL

If the fee is added to the tax bill the collection process is much simplified from the City's point we will not be involved, and the cost is completely tax deductible. The landowner in the case of apartments can, if they choose to, pass this cost directly to the apartment owner.

Either system will work - staff recognizes the philosophical differences involved in this decision - but it should be pointed out that it is a less onerous burden to the City operations to have this fee paid as part of the tax bill.

Addressing the City Council regarding the matter were:

- a) Dave Mende, Member of the City of Lodi Solid Waste Management Task Force (SWAM);
- b) David Vaccarezza, President, California Waste Removal Systems; and
- c) Janet Pruss, 2421 Diablo Drive, Lodi.

There being no other persons in the audience wishing to address the City Council regarding the matter, the public portion of the hearing was closed.

Council Member Sieglock moved the City Council adopt Resolution No. 92-147 requesting the formation of a County service area for the purpose of providing a household hazardous waste program for area residents, consenting to the inclusion of the City of Lodi in the subject area, adopting the Regional Household Hazardous Waste Element (HHWE) and authorizing adding the fee to the City's utility bills. The motion failed passage.

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Following additional discussion, on motion of Council Member Snider, Pinkerton second, the City Council adopted Resolution No. 92-147 requesting the formation of a County service area for the purpose of providing a household hazardous waste program for area residents, and consenting to the inclusion of the City of Lodi in the subject area, adopting the Regional Household Hazardous Waste Element (HHWE) and authorized adding the fee to the property tax bill.

The motion carried by the following vote:

Ayes: Council Members - Snider, Pennino and Pinkerton
(Mayor)

Noes: Council Members - Hinchman and Sieglock

Absent: Council Members - None

PLANNING COMMISSION City Manager Peterson presented the following Planning Commission Report of the Planning Commission Meeting of August 10, 1992:

CC-35

The Planning Commission -

- a. Determined that the Public Works Department's Streets Capital Improvement Program conformed to the General Plan and recommended its adoption to the City Council.

Further, the Planning Commission -

- a. Determined that the Public Works Department's Streets Capital Improvement Program conformed to the General Plan and recommended its adoption to the City Council.

- b. Determined a Zoning Hardship existed and conditionally approved the request of Jeffery J. Gravish for a Zoning Variance to reduce the front yard setback requirement to permit the replacement of an existing 3-foot fence with a 6-foot fence at 1138 North Ham Lane in an area zoned R-1, Single-Family Residential.

- c. Set the following requests of Dana Smith and Brad DuLac for Public Hearing at 7:30 p.m., Monday, August 24, 1992:

1. for approval of the Tentative Subdivision Map of Bridgehaven, a 6.15 acre, 47-lot single-family residential subdivision to be located on Woodhaven Lane, south of the W.I.D. canal; west of Eilers Lane and north of Turner Road in an area zoned P-D(30), Planned Development District No. 30.

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2. to certify the filing of a Negative Declaration by the Community Development Director as adequate environmental documentation on the above project.

COMMUNICATIONS
(CITY CLERK)

CLAIMS CC-4 (c) On recommendation of Insurance Consulting Associates, Inc., the City's Contract Administrator and the City Attorney, on motion of Council Member Hinchman, Snider second, the City Council denied the following claims:

- a) David Brien, Date of loss 7/3/92;
- b) Miracle Recreation, et al, Date of loss 4/17/91; and
- c) Shasta Dam Area Public Utility District, Date of loss 1/24/92.

ABC LICENSE
APPLICATIONS

CC-7 (f) City Clerk Reimche presented the following Alcoholic Beverage Control License Applications which had been received:

- a) Richard H. Orr, Roundhouse Tavern, 104 East Lodi Avenue, Lodi, On Sale General Public Premises, Person to Person Transfer; and
- b) Thrifty Corporation, 300 West Kettleman Lane, Lodi, Off-Sale General and Off-Sale Beer and Wine.

REGULAR CALENDAR

CITY-MONITORED SILENT ALARM SERVICE

CC-6 The City Council was reminded that the subject of
CC-16 City-monitored silent alarm system appeared on previous
CC-152 City Council agendas of March 4, 1992 and August 5, 1992. At its last regular meeting, the City Council reviewed the results of a survey of the business community conducted by the Police Department. Mr. David Rice, owner of Bitterman's Jewelry, 10 North School Street, who assisted in the development of the survey form, was present at that meeting and requested more time to personally contact those businesses that did not respond to the survey.

The following persons addressed the City Council regarding the subject:

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- a) Mr. Dave Rice, 10 North School Street, Lodi;
- b) Mrs. Barbara McWilliams, 208 South School Street, Lodi; and
- c) Mr. Steve Bosserman, 109 Hemlock Drive, Lodi.

Captain Larry Hansen responded to questions regarding the matter as were posed by members of the City Council.

A very lengthy discussion followed with questions being directed to staff and to those who had addressed the City Council regarding the matter.

On motion of Council Member Hinchman, Snider second, the City Council directed the solicitation of bids for a City-monitored silent alarm service. The motion carried by the following vote:

Ayes: Council Members - Hinchman, Sieglock, Snider and Pinkerton (Mayor)

Noes: Council Members - Pennino

Absent: Council Members - None

ORDINANCE INTRODUCED ESTABLISHING A 5 MPH
SPEED LIMIT ON PRIVATE PROPERTY DESCRIBED
AS THE RIVERGATE HOMEOWNERS' ASSOCIATION
LAGOON, APN 041-290-0026

ORDINANCE NO. 1554 INTRODUCED

CC-6 City Attorney McNatt reminded the City Council that at its
CC-16 meeting of August 5, 1992, a request was made by Mr. Robert
CC-149 Stipe on behalf of the Rivergate Homeowners' Association
CC-184 for the Council to adopt an ordinance establishing a 5-MPH
speed limit on the lagoon owned by the Rivergate
Homeowners' Association. Under Harbors and Navigations
Code Section 660, it is necessary that the city in which a
body of water is located formally adopt an ordinance
establishing speed limits on bodies of water before such
speed limit can be enforced.

The Council recently acted to establish a 5-MPH speed limit on Lodi Lake (Ordinance No. 1553). This matter is slightly different in that it addresses private property, on which the City will probably not have any enforcement capability. As such, the ordinance establishing a 5-MPH speed limit is uncodedified, i.e., meaning it will not be placed in the Lodi Municipal Code. This will still allow enforcement by the San Joaquin County Sheriff's Marine Patrol.

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Following discussion, on motion of Council Member Sieglock, Hinchman second, the City Council by unanimous vote introduced Ordinance No. 1554 entitled, "An Uncodified Ordinance of the City Council of the City of Lodi Establishing a Five-Mile Per Hour (5 MPH) Speed Limit on Private Property Described as the Rivergate Homeowners' Association Lagoon, APN 041-290-0026".

INTRODUCTION OF ORDINANCE ADDING NEW
SECTION TO THE LODI MUNICIPAL CODE
RELATING TO THE POSTING OF CERTAIN
FACILITIES TO PROHIBIT THE UTILIZATION OR
POSSESSION OF GLASS BOTTLES AND SIMILAR
CONTAINERS AND/OR ALCOHOLIC BEVERAGE

ORDINANCE NO. 1555 INTRODUCED

CC-27(c)
CC-149 The City Council was advised that for a number of years, the Parks and Recreation Department has posted by general policy, those facilities that have accommodated youth sports activities and events against the bringing in of glass containers and consumption of alcoholic beverages.

It was the feeling of Parks and Recreation staff and the Commission that we needed more teeth in the policy, so it could rightfully be enforced.

By making it into an ordinance, we now get the kind of enforcement needed at various facilities that primarily accommodate youth sports activities and events. Plus, it gives us the latitude, where and when needed, to post other facilities that should be posted due to youth involvement or specific event(s) that would not lend itself to glass bottles, containers, and/or consumption of alcohol.

Following discussion with questions being directed to staff, the City Council by unanimous vote, on motion of Mayor Pro Tempore Pennino, Hinchman second, introduced Ordinance No. 1555 entitled, "An Ordinance of the City Council of the City of Lodi Adding a New Section 12.12.045 Relating to the Posting of Certain Facilities to Prohibit the utilization or Possession of Glass Bottles and Similar Containers and/or Alcoholic Beverages".

CONTRACT AWARD FOR THE PURCHASE OF
A DIAL-A-RIDE STATION WAGON

RESOLUTION NO. 92-148

CC-12(d)
CC-300 The City Council was advised that funds were approved in the 1992/93 budget for the purchase of one (1) Chevrolet station wagon for Dial-A-Ride.

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Specifications for this project were approved on August 5, 1992. The City received the following two (2) bids, opened on August 18, 1992, for this project: -

<u>Bidder</u>	<u>Location</u>	<u>Bid</u>
Project Estimate		\$20,000.00
Chase Chevrolet Company, Inc.	Stockton	\$20,560.42
Sanborn Chevrolet-Geo, Inc.	Lodi	\$20,851.78

The low bidder, Chase Chevrolet Company, Inc., listed four (4) exceptions to the specifications. Additionally noted was that the vehicle that was bid was "at another dealer as of August 17, 1992 and would be subject to availability at time of awarding."

The second low bidder, Sanborn Chevrolet-Geo, Inc., listed no exceptions to the specifications and included three (3) options/upgrades (automatic leveling suspension, a 5.7 liter engine, and a trailering package). Furthermore, the unit bid is listed as a vehicle "in stock". Since this wagon replaces one that is out of service due to accident damage, the need to expedite the replacement is critical to the Dial-A-Ride Program.

In addition, it was suggested that the City Council should consider the sales tax credit of one percent (1%) of the purchase price for purchasing from a Lodi business. In this case, that amount is \$193.52, reducing the difference between bids received from \$291.36 to \$97.84.

Due to the four (4) exceptions, the additional upgrades/options, the immediate availability of the vehicle, and the one percent (1%) sales tax credit, staff recommended purchasing this vehicle from Sanborn Chevrolet-Geo, Inc.

On motion of Council Member Sieglock, Pinkerton second, the City Council adopted Resolution No. 92-148 awarding the contract for the purchase of a Dial-A-Ride Station Wagon to Sanborn Chevrolet-Geo., Inc. in the amount of \$20,851.78.

VOTING DELEGATE AND ALTERNATE SELECTED FOR
ANNUAL LEAGUE OF CALIFORNIA CITIES CONFERENCE

CC-7(i) On motion of Council Member Snider, Hinchman second, the City Council selected Mayor Pinkerton as the Voting Delegate and Mayor Pro Tempore Pennino as the Voting Alternate for the Annual League of California Cities Conference to be held in Los Angeles October 10 - 13, 1992.

ORDINANCES There were no ordinances presented for adoption.

Continued August 19, 1992

CLOSED SESSION

CC-200(c) At approximately 11:15 p.m., the City Council adjourned to
CC-200(d) a Closed Session regarding the following matters:

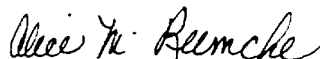
1. Litigation - Davenport v. City of Lodi,
United States District Court, Case No. CIV.
No. S-89-0861 MLS; and
2. Property Acquisition - 212 West Pine Street.

The City Council reconvened at approximately 11:59 p.m. and authorized the City Manager and City Clerk to execute on behalf of the City of Lodi a lease agreement for property at 212 West Pine Street, Lodi.

ADJOURNMENT

There being no further business to come before the City Council, the meeting was adjourned at approximately 12 midnight.

ATTEST:


Alice M. Reimche
City Clerk